

GOVERNMENT OF ANDHRA PRADESH  
A B S T R A C T

SUITS – Land Acquisition –PJP –GADWAL -Mahabubnagar District – Alampur (Mandal) Seripalli and Shalipur (Villages) – O.P.No.121/80 and batch - Sanction of decretal charges of **Rs.26,29,675/-** - Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 228

DATE:27.04.2010

Read:

From the Secy.to CCLA, AP, Hyderabad Lr.No.G1/1614/2009, dt:29.10.09 along with the proposal of the Special Collector (LA) Bheema Project, Mahabubnagar District dt:30.09.2009.

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O R D E R:

The Secy.to CCLA, AP, Hyderabad has informed that the Special Collector, Land Acquisition, Bheema Project, Mahabubnagar District has submitted the proposals for sanction of final payment of decretal charges towards interest on Solatium in E.P.Nos.37/2005 to 55/2005 and 32/2006 to 53/2006 in respect of O.P.No.121/80 and batch pertaining to Seripalli and Shalipur (Villages) Alampur (Mandal) of Mahabubnagar District. The then SDC, LA, SSP at Gadwal has informed that the Sr.Civil Judge, Mahabubnagar has enhanced the compensation amount U/s.18 of the L.A.Act in respect of O.P.No.121/80 and batch situated in the limits of Seripalli and Shalipur (Villages). The Lower Court awarded all the statutory benefits U/s.23, 28 and 34 of the Amended Act and passed decree in E.P.No.37/2005 to 55/2005 and 32/2006 to 53/2006. Aggrieved by the order and decree of Lower Court, the LAO has preferred an appeal before the Hon'ble High Court, but the High Court dismissed the said appeals confirming the Lower Court orders. Accordingly, an amount of Rs.6,72,610/- & Rs.3,59,132/- was deposited in respect of E.P.No.37/05 to 58/05 (19 E.Ps) and Rs.4,16,957/- and Rs.1,73,911/- was deposited in respect of O.P.No.32/06 to 53/06 (20 E.Ps). Further, the SDC, Gadwal has stated that in view of the judgment of the Hon'ble Supreme Court, dt:29.11.95 in C.A.Nos.11398 and 11399 comprising of 3 judges declared that, the interest U/s.28 and 34 is not payable on the additional amount U/s.23(A) and U/s.23 (2) of the L.A.Act. Further, the SDC, SSP in PJP, Gadwal has stated that the Hon'ble Supreme Court delivered the judgment comprising of (5) judges in Civil Appeal No.6271/98 & batch dt:19.09.2001 declaring that the persons entitled to the compensation awarded are also entitled to get interest on the aggregate amount including Solatium.

2) After careful examination of the matter, Government hereby accord sanction for an amount of **Rs.26,29,675/- (Rupees Twenty six lakhs twenty nine thousand six hundred and seventy five only)** towards interest on Solatium in E.P.Nos.37/2005 to 55/2005 and 32/2006 to 53/2006 in respect of O.P.No.121/80 and batch pertaining to Seripalli and Shalipur (Villages) Alampur (Mandal) of Mahabubnagar District subject to verification whether the reference under section.18 (1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Govt/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

(PTO)

3) The expenditure sanctioned in para (2) ante, shall be debitable to following Head of Account under "2801 – 01 – 105 – SHES – G.H11 – Normal State Plan – S.H (27) – Canals and Distributaries – 530 – Major works – 532 – Lands (charged). In case, the available budget provision is not sufficient to meet the proposal requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

4) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.1484/F2(2)/2009-1, dated:27.03.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS  
SECRETARY TO GOVERNMENT

To

The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.

The Special Collector, LA, Bheema Project, Mahabubnagar.

The Chief Engineer, MBNR, Jalasoudha Buildings, Erramanzil, Hyderabad.

The SDC, LA, PJP, Gadwal, Mahabubnagar.

The Director of Works Accounts, Hyderabad.

Copy to: P.S. to Minister (M& MI).

Finance (W&P) Department/File C.No.28528/LA.III(A2)/2009

SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER